

DETAILED ACTION

Application Status

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/16/2010 has been entered.

2. Applicant's Information Disclosure Statement, filed 12/16/2010, is acknowledged and has been considered.

EXAMINER'S AMENDMENT

3. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Gary Gershik on 7/25/2011.

The application has been amended as follows:

Claim 30 is amended to recite: "A method of effecting weight gain after weight loss resulting from burn-induced trauma in a patient which comprises administering to the patient suffering from weight loss resulting from burn-induced trauma ~~40mg~~ 10 mg of oxandrolone per day, up to ~~400mg~~ 100 mg of oxandrolone per day, in conjunction with a protein supplement, for a period of three weeks, so as to effect weight gain in the patient, wherein the weight gained is maintained at eight weeks after discontinuation of the oxandrolone administration."

Claims 32-34, 36-42, 44, 46 and 47 are amended by replacing the "A" at the beginning of each claim with "The".

Claim 43 is amended to recite: "[[A]] The method according to claim 30 ~~further comprising administering during the period of oxandrolone administration a~~ wherein the protein supplement is administered to the patient to achieve a daily protein intake by the patient of 2.0 g/kg/day."

4. The following changes to the drawings have been approved by the Examiner and agreed upon by applicant: The text of Figure 7 is not fully readable and the leftmost text has been cut off. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Art Unit: 1629

5. The following is an Examiner's statement of reasons for allowance: The prior art does not fairly teach or suggest a method of effecting weight gain after weight loss resulting from burn-induced trauma by administering to said patient oxandrolone in conjunction with a protein supplement, in the claimed daily dosage, for a period of three weeks, wherein said weight gain is maintained at eight weeks after discontinuation of the oxandrolone administration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to GREGG POLANSKY whose telephone number is (571)272-9070. The Examiner can normally be reached on Mon-Thur 9:30 A.M. - 7:00 P.M. EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jeffrey S. Lundgren can be reached on (571) 272-5541. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregg Polansky/
Examiner, Art Unit 1629

/James D Anderson/
Primary Examiner, Art Unit 1629